

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ATS TREE SERVICES, LLC,

Plaintiff,

v.

FEDERAL TRADE COMMISSION; LINA M. KHAN, in her official capacity as Chair of the Federal Trade Commission; and REBECCA KELLY SLAUGHTER, ALVARO BEDOYA, ANDREW N. FERGUSON, and MELISSA HOLYOAK, in their official capacities as Commissioners of the FTC,

Defendants.

Case No.: 2:24-cv-1743-KBH

DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE EXCESS PAGES

As previously set forth in a letter to the Court on May 17, 2024, this action challenges a rule issued by the Federal Trade Commission on April 23, 2024, that finds non-compete clauses to be an unfair method of competition under Section 5 of the Federal Trade Commission Act and restricts most uses of non-competes after the rule's effective date of September 4, 2024. *See* Fed. Trade Comm'n, *Non-Compete Clause Rule*, 89 Fed. Reg. 38,342 (May 7, 2024) (to be codified at 16 C.F.R. part 910) ("Final Rule").

Pursuant to Section III.C of the Court's Judicial Policies and Procedures, Defendants respectfully request leave to file a response to Plaintiff's motion for a stay of the effective date and preliminary injunction against enforcement of the Final Rule, ECF No. 10, not to exceed **thirty-five pages**. Good cause supports this motion, in light of the number of legal issues raised in Plaintiff's motion, the complexity of those issues, and the breadth of relief requested by Plaintiff

at this preliminary stage of litigation. Counsel for Defendants have conferred by e-mail with counsel for Plaintiff, who represented that Plaintiff does not oppose this request.

Dated: May 24, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

LESLEY R. FARBY
Assistant Branch Director

/s/ Taisa M. Goodnature
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed electronically and is available for viewing and downloading from the ECF system.

/s/ Taisa M. Goodnature
TAISA M. GOODNATURE